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To: "Klos, Caroline" <Klos.caroline@epa.gov>
Date: 11/13/2017 7:34:48 AM
Subject: Watershed Branch Talking Point

Hi Caroline –
Here's a TP from the WB. Thanks to Chris for drafting.
Thanks
Jim

Deschutes River TMDLs

- ☐ Northwest Environmental Advocates (NWEA) filed its single-count complaint, on Monday Nov 6th, in the W.D. of Washington (Seattle) court alleging EPA failed to carry out its nondiscretionary duty to approve or disapprove the Deschutes River TMDLs within thirty days after submission by the state.
- ☐ R10 received the original TMDL submission package in December 2015 and has not yet taken action.
- ☐ The state made a supplemental submission in July 2017 FOIA exemption (b)(5)
[REDACTED]
- ☐ EPA's answer is due 60 days after service of the complaint – early January 2018.
- ☐ The Region has identified a number of problems with the 2015 and 2017 submissions and will be discussing those with the State:
 - whether the State will cure its failure to public notice the clarifications it made in July 2017, and
 - the State's position if EPA were to disapprove a subset of the 2015 TMDLs due to other problems.
- ☐ We will be scheduling briefings for OW to discuss R10, OWOW and OGC's recommendations for which TMDLs to approve and disapprove.

Background

- ☐ EPA received NWEA's notice of intent to sue on August 25, 2017.
- ☐ EPA R10 coordinated with WA Ecology on the July 2017 revisions of the 2015 TMDLs.
- ☐ The State submitted a new request for approval on July 17, 2017, which asked EPA to review and approve only a subset of TMDLs (eighteen segments impaired for temperature, fecal coliform, and fine sediment).
- ☐ FOIA exemption (b)(5)
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